

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

MICHAEL BALDONI,)
)
Plaintiff,) Civil Case No. 03-1381-AS
)
vs.) ORDER
)
UNUMPROVIDENT, ILLINOIS TOOL)
WORKS, and GAYLORD INDUSTRIES,)
INC.,)
)
Defendants.)

)

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KING, Judge:

The Honorable Donald C. Ashmanskas, United States Magistrate Judge, filed Findings and Recommendation on December 13, 2007. The matter is before this court. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). Plaintiff has filed objections and defendant has filed a response.

When either party objects to any portion of a magistrate's Findings and Recommendation concerning a dispositive motion or prisoner petition, the district court must make a *de novo* determination of that portion of the magistrate's report. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Having given a *de novo* review of the issues raised in the objections to the Findings and Recommendation, I find no error. I do note that the references to "Baldwin" in the Findings and Recommendation were in error and should be replaced by the name "Baldoni."

Accordingly, I ADOPT Judge Ashmanskas's Findings and Recommendation (#117) and DENY Baldoni's Cross-Motion for Summary Judgment (#92), GRANT UNUM's Cross-Motion for Summary Judgment (#100), and DISMISS Baldoni's Amended Complaint with prejudice.

Dated this 9th day of January, 2008.

/s/ Garr M. King
Garr M. King
United States District Judge